

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

IOWA RIGHT TO LIFE COMMITTEE,  
INC.,

Plaintiff,

vs.

TOM MILLER, in his official capacity as  
Iowa Attorney General; W. CHARLES  
SMITHSON, in this official capacity as Iowa  
Ethics and Campaign Disclosure Board  
Executive Director; JAMES ALBERT, JOHN  
WALSH, PATRICIA HARPER, GERALD  
SULLIVAN, SAIMA ZAFAR, and CAROLE  
TILLOTSON, in their official capacities as  
Iowa Ethics and Campaign Disclosure Board  
Members; and JOHN SARCONI, in his  
official capacity as Polk County Attorney,

Defendants.

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Civ. No. 4:10-cv-00416

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ANSWER ON BEHALF OF  
DEFENDANTS SMITHSON,  
ALBERT, WALSH, HARPER,  
SULLIVAN, ZAFAR AND  
TILLOTSON

COME NOW Defendants Smithson, Albert, Walsh, Harper, Sullivan, Zafar and Tillotson  
and set forth below answers to Plaintiff's verified complaint for declaratory and injunctive relief.  
Each and every allegation of this complaint is denied unless expressly hereinafter admitted.

**Introduction**

1. Defendants admit that paragraph 1 sets forth plaintiff's claims, but deny any substantive  
allegations in paragraph 1.

2. Defendants admit that paragraph 2 sets forth plaintiff's claims, but deny any substantive  
allegations in paragraph 2.

3. Defendants admit that paragraph 3 sets forth plaintiff's claims, but deny any substantive  
allegations in paragraph 3, including subparagraphs a-d.

### **Jurisdiction and Venue**

4. Defendants admit paragraph 4.

5. Defendants admit paragraph 5.

### **Parties**

6. Paragraph 6 is denied for lack of information.

7. Paragraph 7 is admitted.

8. Paragraph 8 is admitted.

9. Paragraph 9 is admitted.

10. Paragraph 10 is admitted.

11. Paragraph 11 is admitted.

### **Facts**

12. Paragraph 12 is admitted.

13. Defendants admit that paragraph 13 sets forth plaintiff's claims, but defendants deny any substantive allegations in paragraph 13.

14. Paragraph 14 is denied for lack of information.

15. The statutes and rules speak for themselves. The balance of paragraph 15 is denied for lack of information.

16. Paragraph 16 is denied for lack of information.

17. Paragraph 17 is denied for lack of information.

18. Paragraph 18 is denied for lack of information.

19. Paragraph 19 is denied for lack of information.

20. Paragraph 20 is denied for lack of information.

21. Paragraph 21 denied for lack of information.

**Count 1**

22. Defendants reassert and incorporate by reference responses in paragraphs 1 through 21 of this answer.

23. Paragraph 23 is denied.

24. The statute and case law speaks for themselves. The balance of paragraph 24 is denied.

25. The statute speaks for itself. The balance of paragraph 25 is denied.

26. The case law speaks for itself. The balance of paragraph 26 is denied.

27. The case law speaks for itself. The balance of paragraph 27 is denied.

28. Paragraph 28 is denied.

**Count 2**

29. Defendants reassert and incorporate by reference responses in paragraphs 1 through 28 of this answer.

30. The statutes, rules and forms speak for themselves. Defendants admit that paragraph 30 sets forth plaintiff's claims, but defendants deny any substantive allegations in paragraph 30.

31. The case law speaks for itself. The balance of paragraph 31 is denied.

32. The rules and brochure speak for themselves. The balance of paragraph 32 is denied.

33. The statutes speak for themselves. The balance of paragraph 33 is denied.

34. The case law speaks for itself. The balance of paragraph 34 is denied.

35. The statutes, case law, rules and forms speak for themselves. The balance of paragraph 35 is denied.

36. Paragraph 36 is denied.

37. The case law speaks for itself. The balance of paragraph 37 is denied.

38. Paragraph 38 is denied.

**Count 3**

39. Defendants reassert and incorporate by reference responses in paragraphs 1 through 38 of this answer.

40. The statute speaks for itself. Defendants admit that paragraph 40 sets forth plaintiff's claims, but defendants deny any substantive allegation in paragraph 40.

41. The case law speaks for itself. The balance of paragraph 41 is denied.

42. The statutes and case law speaks for themselves. The balance of paragraph 42 is denied.

43. Paragraph 43 is denied.

**Count 4**

44. Defendants reassert and incorporate by reference responses in paragraphs 1 through 43 of this answer.

45. The statutes and forms speak for themselves. Defendants admit that paragraph 45 sets forth plaintiff's claims, but defendants deny any substantive allegations in paragraph 45.

46. Paragraph 46 is denied.

47. The statutes and forms speak for themselves. The balance of paragraph 47 is denied.

48. The case law speaks for itself. The balance of paragraph 48 is denied.

49. The case law speaks for itself. The balance of paragraph 49 is denied.

50. The case law speaks for itself. The balance of paragraph 50 is denied for lack of information.

51. The case law speaks for itself. The balance of paragraph 51 is denied.

52. The case law speaks for itself. The balance of paragraph 52 is denied.

53. Paragraph 53 is denied.

WHEREFORE, State Defendants respectfully request that this matter be dismissed with all costs and attorney fees taxed to plaintiff. Defendants request such other and further relief as may be deemed appropriate by the Court.

Respectfully submitted,

THOMAS J. MILLER  
Attorney General of Iowa

/S/JEFFREY S. THOMPSON

Deputy Attorney General  
1305 E. Walnut Street, Second Floor  
Des Moines, Iowa 50319  
(T) 515/281-4419  
(Fax) 515/281-4209  
E-mail: jeffrey.thompson@iowa.gov

:

Copy via email:

Michael B. O'Meara  
Assistant Polk County Attorney  
111 Court Ave., Rm. 340  
Des Moines, IA 50309

Sean P. Moore  
Adam C. Gregg  
Brian P. Rickert  
Brown Winick  
666 Grand Avenue  
Ruan Center, Suite 2000  
Des Moines, IA 50309

James Bopp  
Richard E. Coleson  
Jared Haynie  
Joseph E. La Rue  
Kaylan L. Phillips  
BOPP COLESON & BOSTROM  
1 South 6<sup>th</sup> Street  
Terre Haute, IN 47808

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| <b>Proof of Service</b>   |  |
| The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on September 28, 2010. |  |
| <input type="checkbox"/> U.S. Mail  | <input type="checkbox"/> FAX               |
| <input type="checkbox"/> Hand Delivery  | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express  | <input type="checkbox"/> Other             |
| <input checked="" type="checkbox"/> Electronically  |  |
| Signature: /s/Jeffrey S. Thompson   |  |